

Adopt Frl 800, previously effective 11-5-05 as He-P 700 (Doc. #8480), and expired 11-5-13, to read as follows:

## CHAPTER Frl 800 CREMATORIES

Statutory Authority RSA 325-A:28

### PART Frl 801 CREMATORY REGULATIONS

Frl 801.01 Purpose. The purpose of this part is to set forth the requirements for all crematories pursuant to RSA 325-A.

Frl 801.02 Definitions.

(a) “Authorizing agent(s)” means the person(s) who orders the cremation of human remains, including but not limited to family member(s) or funeral director(s) in charge of the final disposition arrangements pursuant to RSA 290:16 and 17.

(b) “Board” means “board” as defined in RSA 325-A:1, III.

(c) “Change of ownership” means the change in the controlling interest of an established crematory.

(d) “Communicable disease” means “communicable disease” as defined by RSA 141-C:2, VI.

(e) “Cremains container” means any container in which cremains can be placed in and sealed so to avoid leakage or prevent entrance of foreign materials.

(f) “Cremains” means the remaining bone fragments and residue, which are reduced in size by mechanical means.

(g) “Cremation” means the incineration by direct flames or intense heat to reduce the human remains to ashes or inorganic bone fragments.

(h) “Cremation chamber or cremation retort” means the enclosed space in which the cremation process of human remains takes place.

(i) “Crematory” means any person, partnership or corporation that performs cremation subject to RSA 325-A.

(j) “Designated agent” means the individual authorized to have custody and control of the human remains pursuant to RSA 290:17.

(k) “Funeral director” means “funeral director” as defined in RSA 325:1, VIII and licensed in accordance with RSA 325:14.

(l) “Holding facility” means an area within the crematory, separate from public areas, designated for the retention of human remains prior to cremation.

(m) “Human remains” means the dead human body prior to cremation.

(n) “Leak proof pouch” means a plastic, vinyl, or similar material bag that is made specifically for the containment of human remains.

(o) “Next-of-kin” means “next-of-kin” as defined in RSA 290:16, IV.

(p) “Operator” means the individual responsible for the day-to-day operation of the crematory.

(q) “Owner” means the individual, partnership or corporation with controlling interest in the crematory.

(r) “Suitable solid container” means a rigid container, which is designed for the encasement and disposition of human remains before cremation.

(s) “Urn” means a decorative container used for placement of cremains that varies in size, styling and composition.

(t) “Violations against a decedent” means actions that desecrate or tamper with the human remains or personal effects, lead to the misidentification of a decedent, or allow the commingling of cremains of more than one decedent.

Frl 801.03 Initial Approval to Construct a Crematory Application Requirements.

(a) A person desiring to construct a crematory shall comply with the requirements of RSA 325-A and apply to the board for initial approval.

(b) Each applicant shall submit the following documents to the board:

(1) A completed application form entitled “Application for Approval to Construct a Crematory,” including the following:

- a. The name of the applicant;
- b. The mailing address of the applicant;
- c. The telephone number of the applicant;
- d. The email address of the applicant;
- e. The location of the proposed crematory, including street number and name, plot number if applicable, town or city, state, zip code, county, and name of cemetery or funeral home if applicable;
- f. The name of each crematory owner and the type of ownership;
- g. Disclosure of whether any owner has been convicted of a felony; and
- h. The signature of:
  1. The owner, if a private crematory;
  2. Two officers, if a corporation; or
  3. At least one authorized individual, if any other entity;

(2) A copy of the notice of public hearing, pursuant to 325-A, as published in the local newspaper;

(3) Evidence of approval to build from the city or town in which the crematory will be located; and

(4) A copy of the building plans.

(5) The applicant(s) shall submit a fee of \$100 with each application.

- (c) The applicant shall mail or hand-deliver the documents to:

Board of Registration of Funeral Directors and Embalmers  
121 South Fruit Street  
Concord, NH 03301-2412

Frl 801.04 Approval or Denial to Construct a Crematory.

(a) The board shall process the “Application for Approval to Construct a Crematory,” application in accordance with RSA 541-A:29.

(b) An application shall be deemed complete when the board determines all items required by Frl 801.03, (b) are received.

(c) The board shall approve construction of a crematory if the application meets the requirements of RSA 325-A:2 and Frl 801.03.

- (d) If an application is approved, the board shall notify the applicant in writing that:

- (1) The application has been approved;
- (2) Construction may begin;
- (3) The crematory is required to submit an “Application for Conditional Approval to Operate a Crematory,” as described in Frl 801.05, (b), prior to conducting cremations; and
- (4) The crematory shall be subject to an inspection as described in Frl 801.07, (a) prior to being granted conditional approval to operate.

(e) If an application is denied, the board shall notify the applicant in writing of the reason for the denial.

Frl 801.05 Conditional Approval to Operate a Crematory Application Requirements.

(a) Prior to performing cremations in a new facility, a person desiring to operate a crematory shall comply with RSA 325-A:2 and apply to the board for conditional approval.

(b) Each applicant shall submit a completed application form entitled “Application for Conditional Approval to Operate a Crematory,” including the following:

- (1) The name of the applicant;
- (2) The mailing address of the applicant;
- (3) The applicant’s telephone number;
- (4) The applicant’s email address;
- (5) The name of the crematory;
- (6) The location of the crematory, including street number and name, town or city, state, zip code, county, and the name of cemetery or funeral home if applicable;
- (7) The name of any new owners, and the type of new ownership, if applicable;
- (8) The name of the certified crematory operator(s) pursuant to RSA 325-A:4;

(9) Disclosure of whether the new owners and the operator(s) have ever been convicted of a felony; and

(10) The signature of:

- a. The owner, if a private crematory;
- b. Two officers, if a corporation; or
- c. At least one authorized individual, if any other entity.

(11) The applicant(s) shall submit a fee of \$100 with each application.

(c) The applicant shall mail or hand-deliver the documents to:

Board of Registration of Funeral Directors and Embalmers  
121 South Fruit Street  
Concord, NH 03301-2412

Frl 801.06 Approval or Denial to Operate a Crematory.

(a) The board shall process the “Application for Conditional Approval to Operate a Crematory” in accordance with RSA 541-A:29.

(b) Once an application is received the board shall schedule an inspection of the crematory pursuant to Frl 801.07.

(c) The board shall grant conditional approval to operate a newly constructed crematory following a successful inspection as described in Frl 801.07, (c).

(d) If a conditional approval is granted, the board shall:

- (1) Notify the applicant in writing of conditional approval to perform cremations for 90 days; and
- (2) Schedule an inspection of the crematory as described in to Frl 801.07, (a) (2).

(e) If a conditional approval is denied, the board shall notify the applicant in writing of:

- (1) The reason for the denial; and
- (2) Any deficiencies listed in the inspection report described in Frl 801.07, (d).
- (3) The application fee described in Frl 801.05, (b) (11), shall be returned unless an inspection was performed prior to denial of conditional approval; and
- (4) The board shall retain an administrative fee of \$25 for denied applications.

(f) The board shall notify the applicant in writing of unconditional approval to operate a crematory following a successful inspection as described in Frl 801.07, (a) (2).

Frl 801.07 Inspections.

(a) A board representative or agent shall conduct an inspection of the crematory premises to ensure compliance with RSA 325-A and Frl 800 at the following times:

- (1) After the completion of construction, but prior to the performance of cremations;

- (2) Within 90 days of granting conditional approval to operate; and
  - (3) At any time after receiving approval to operate in order to determine continued compliance.
- (b) The board representative or agent shall complete an inspection report which includes the following:
- (1) Name of crematory, physical address, mailing address, telephone number, fax number and e-mail address, if any;
  - (2) Crematory license number, date and time of inspection, type of inspection and name of inspector;
  - (3) Name of crematory owner and manager;
  - (4) Make, model and number of cremation retorts;
  - (5) Name of certified crematory operator(s) and date certification expires;
  - (6) Whether the crematory has established written policies and procedures in accordance with Frl 801.12, (b);
  - (7) Whether the crematory conform to the requirements of New Hampshire department of environmental services, Env-A 100 through 4805, governing the control of air pollution;
  - (8) Whether the crematory has complied with the requirements of New Hampshire department of environmental services, Env-Sw 904 for the management of infectious waste;
  - (9) Whether the crematory maintains a holding facility in accordance with Frl 801.12, (i);
  - (10) Whether the crematory maintains a refrigerated holding facility in accordance with Frl 801.12, (j);
  - (11) Whether the public access is separated from the holding/refrigerated area;
  - (12) Whether the cremation chambers and retorts are maintained according to the manufacturers' specification;
  - (13) Whether the cremation chambers and retorts are operational;
  - (14) Whether the crematory maintains a maintenance service log for each retort;
  - (15) Whether the crematory floors are concrete construction;
  - (16) Whether the crematory walls and ceilings are constructed of fire retardant materials;
  - (17) Whether the crematory maintains a book of records in accordance with Frl 801.13, (f);
  - (18) Whether the crematory maintains copies of medical examiner's certificate of cremation and copies of the burial transit permit for each cremation of human remains;
  - (19) Whether the crematory provides a receipt for the delivery of human remains in accordance with Frl 801.14, (e);
  - (20) Whether the crematory maintains a record of written consent to cremate;
  - (21) Signature and date of inspector and crematory representative.

(c) If a crematory meets the requirements as set forth in RSA 325-A and Frl 800, the board shall notify the crematory of the successful inspection in writing.

(d) Upon failure of the crematory to meet all the requirements as set forth in RSA 325-A and Frl 800, the board shall issue the crematory a written report of the deficiencies.

(e) The board shall reinspect a crematory that failed a previous inspection at the written request of the crematory owner.

(f) The owner(s) and operator(s) of a crematory shall admit and allow any board representative and agents onto the premises of the crematory for the purpose of determining compliance with RSA 325-A and Frl 800.

(g) The owner(s) and the operator(s) of a crematory shall cooperate fully with all board inspections.

(h) If an inspection, as described in (a) (2)-(3) above, finds violations of RSA 325-A or Frl 800, the owner shall be required to submit a corrective action plan in accordance with Frl 801.10, (a).

Frl 801.08 License Renewal.

(a) The crematory authority shall file a written application to renew a license under this chapter every 5 years as set forth in RSA 325-A:5.

(b) The crematory authority shall submit a completed application form entitled "Application for Renewal of Crematory License," including the following:

- (1) The name of the applicant;
- (2) The mailing address of the applicant;
- (3) The applicant's telephone number;
- (4) The applicant's email address;
- (5) The name of the crematory;
- (6) The location of the crematory, including street number and name, town or city, state, zip code, county, and the name of cemetery or funeral home if applicable;
- (7) The name of each crematory owner and the type of ownership;
- (8) The name of each certified crematory operator(s) pursuant to RSA 325-A:4;
- (9) Disclosure of whether the owner(s) and the operator(s) have ever been convicted of a felony; and
- (10) The signature of:
  - a. The owner, if a private crematory;
  - b. Two officers, if a corporation; or
  - c. At least one authorized individual, if any other entity.
- (11) The applicant(s) shall submit a fee of \$500 with each application.

(c) The crematory authority shall submit an unexpired certified crematory operator certificate.

(d) The applicant shall mail or hand-deliver the documents to:

Board of Registration of Funeral Directors and Embalmers  
121 South Fruit Street  
Concord, NH 03301-2412

(e) Reinstatement and relicensure shall be in accordance with RSA 325-A:14;

(1) Reinstatement of a lapsed license shall require payment of the renewal fee and \$100 per month from the date lapsed.

(f) The fee for a duplicate crematory authority license is \$25.

(g) The fee for verification of crematory authority license is \$50.

Frl 801.09 Complaints and Investigations.

(a) The board shall investigate complaints that allege a violation of RSA 325-A or Frl 800.

(b) The board shall refer complaints that allege a violation of federal law, state law, or administrative rule to the appropriate agency.

(c) If practicable, a complaint shall contain the following information:

(1) The name of the crematory;

(2) Location of the crematory;

(3) The name, address and telephone number of the complainant; and

(4) A description of the situation that supports the complaint and the alleged violation(s) of RSA 325-A or Frl 800.

(d) If the board determines that the complaint is unfounded or does not violate any statutes or rules, the board shall take no further action.

(e) If the investigation finds violations of RSA 325-A or Frl 800, the owner shall be required to submit a corrective action plan in accordance with Frl 801.10, (a).

(f) If the investigation finds violations of RSA 325-A or Frl 800, the crematory owner shall be subject to administrative fines, as listed in Frl 801.10, (c) (2).

Frl 801.10 Administrative Remedies. The board shall impose administrative remedies upon an owner for violations of RSA 325-A or Frl 800, including:

(a) A corrective action plan developed and enforced in the following manner:

(1) The board shall provide the owner with a written notice, which identifies each violation;

(2) Upon receipt of a notice the owner shall submit a written corrective action plan, which specifies:

a. How the owner intends to correct each violation;

- b. What measures will be put in place, or what system changes will be made to ensure that the violation does not recur; and
    - c. The date by which each violation shall be corrected;
  - (3) The owner shall submit a written corrective action plan to the board within 21 days of the date on the letter that transmitted the written notice;
  - (4) The board shall review each corrective action plan and reject any plan that fails to:
    - a. Achieve compliance with RSA 325-A and Frl 800;
    - b. Address all violations as cited in the inspection report;
    - c. Prevent a new violation of RSA 325-A and Frl 800 as a result of this implementation; or
    - d. Specify the date upon which the deficiencies will be corrected;
  - (5) If the corrective action plan is acceptable, the board shall notify the owner in writing to implement the plan;
  - (6) If the corrective action plan is not acceptable:
    - a. The board shall notify the owner in writing of the reason for rejecting the corrective action plan; and
    - b. The owner shall be subject to a directed corrective action plan in accordance with Frl 801.10, (b) and a fine in accordance with Frl 801.10, (c) (2);
  - (7) The board shall verify the implementation of any accepted corrective action plan by:
    - a. Reviewing materials submitted by the owner; and
    - b. Conducting a follow-up inspection; and
  - (8) The verification of implementation as described in (7) above shall only occur after the date of completion specified by the owner's plan;
- (b) A directed corrective action plan imposed and administered in the following manner:
- (1) The board shall develop a written plan that specifies the necessary actions the owner shall take to correct identified violations;
  - (2) The board shall notify the owner in writing to implement the plan; and
  - (3) The board shall verify the implementation of the directed corrective action plan by conducting a follow-up inspection; and
- (c) A fine imposed and administered in the following manner:
- (1) The board shall provide the owner with a written notice which:
    - a. Identifies each violation;
    - b. Specifies the amount of the proposed fine;



- c. Informs the owner of the right to a hearing in accordance with RSA 541-A and Frl 200 prior to imposition of the fine; and
- d. Explains the automatic reduction of a fine by 50% if the fine is paid within 10 days of the date on the written notice from the board, the owner corrects the violations and waives the right to a hearing;

(2) The board shall impose fines in the specified amounts for the following deficiencies:

- a. For failure to allow access to the crematory premises or to records maintained by the crematory, in violation of Frl 801.07, (f) and Frl 801.13, (h) respectively, the fine shall be \$1000;
- b. For falsification of information contained on the application, in violation of Frl 801.12, (a), the fine shall be \$1000;
- c. For falsification of any required documents, in violation of Frl 801.12, (a), the fine shall be \$2000;
- d. For advertising services or otherwise representing themselves as providing services that are not provided, in violation of Frl 801.13, (i), the fine shall be \$500;
- e. For failure to submit a corrective action plan within 21 days of the date on the letter that transmits the inspection report, in violation of Frl 801.10, (a) (3), the fine shall be \$100.
- f. Until an owner provides documentary evidence of compliance, each day beyond 21 days that an owner fails to submit a corrective action plan shall be considered a separate deficiency subject to an additional \$100 fine to a maximum fine of \$ 2000;
- g. For failure to implement any corrective action plan that has been accepted or issued by the board, in violation of Frl 801.10, (a) (5) and Frl 801.10, (b) (2) respectively, the fine shall be \$100.
- h. Until an owner provides documentary evidence of compliance, each day beyond 21 days that an owner fails to submit a corrective action plan shall be considered a separate deficiency subject to an additional \$100 fine to a maximum fine of \$2000;
- i. For using the cremation chamber and retort for any purpose other than the cremation of human remains, human pathological waste or human anatomical waste, in violation of Frl 801.13, (c), the fine shall be \$1000;
- j. For cremating more than one human remains, at one time in violation of Frl 801.13, (d), the fine shall be \$20,000;
- k. For cremating or causing the cremation of human remains without obtaining a burial permit or medical examiner certificate, in violation of RSA 325-A:18 and Frl 801.15, (a), the fine shall be \$2000.
- l. For cremating human remains within 48 hours of death, in violation of RSA 325-A:18 and Frl 801.13, (e), the fine shall be \$2000;
- m. For removing personal effects from human remains without the express written consent of the authorizing agent, in violation of Frl 801.15, (c), the fine shall be \$1000;

- n. For failing to cease operation after receiving an order from the board, in violation of 801.11, (c), the fine shall be \$200;
- o. Until an owner provides documentary evidence of compliance, each additional day that an owner fails to cease operation shall be considered a separate deficiency subject to an additional \$200 fine to a maximum fine of \$20,000;
- p. When an inspection or investigation determines that a repeat violation of RSA 325-A or Frl 800 has occurred within 2 years of the date of the original violation, the fine shall be \$2000;
- q. For failure to establish, implement or comply with the crematory policies and procedures, in violation of Frl 801.12, (b), the fine shall be \$2000; and
- r. For failure to make written request to reinstate a suspended license, the fine shall be \$100.

(3) Payment of any imposed fine to the board shall meet the following requirements:

- a. Payment shall be made within 30 days of receipt of notice;
- b. Payment shall be made in the form of check or money order for the exact amount due; and
- c. Payment in a form other than cash shall be made payable to the "Treasurer - State of New Hampshire".

Frl 801.11 Enforcement Action.

(a) The board shall be authorized to order a crematory to suspend operation when an inspection or investigation has found:

- (1) The crematory failed to correct violations as required by an approved corrective action plan or directed corrective action plan;
- (2) The crematory is cited for a violation against a decedent; or
- (3) The crematory is cited for a repeat violation of RSA 325-A or Frl 800 within 2 years of the original violation.

(b) If a crematory is ordered to suspend operation, the crematory may continue operating until an administrative hearing is held and a final decision has been issued.

(c) The board shall order the immediate closure of a crematory when:

- (1) Continued operation of the crematory poses a threat to public health; or
- (2) The crematory is cited for repeated violations against decedents within 1 year.

(d) If a crematory is ordered to immediately cease operation and close, the board shall hold an administrative hearing within 10 working days of the date the order was issued.

Frl 801.12 Requirements of Crematories.

(a) Crematories shall not provide false statements or falsify any documentation required by RSA 325-A and Frl 800.

(b) Crematories shall establish written policies and procedures for:

- (1) The cremation of anatomical and pathological medical waste;
- (2) The methods employed to track the chain of custody of the human remains;
- (3) The methods employed to insure the integrity and identity of individual cremains; and
- (4) The use of universal precautions in handling remains and pre-crematory waste.

(c) Crematories shall conform to New Hampshire department of environmental services, Env-A 100 through 4805, governing the control of air pollution.

(d) Crematories shall comply with New Hampshire department of environmental services, Env-Sw 904 for the management of infectious waste.

(e) Crematories approved prior to the effective date of this part shall have a holding facility large enough to accommodate the human remains awaiting cremation on the premises.

(f) Cremation chambers and retorts shall be maintained in accordance with the manufacturers' specifications, which shall be kept at the crematory and available for review during inspections.

(g) Cremation chambers and retorts shall be capable of reducing human remains to cremains.

(h) Crematories approved after the effective date of this part shall have:

- (1) Floors constructed of concrete and not covered with flammable material; and
- (2) Walls and ceilings constructed of fireproof or fire retardant materials.

(i) Crematories approved after the effective date of this part shall have a holding facility that shall be:

- (1) Marked "Private" or "Authorized Entry Only";
- (2) Locked when not actively attended by the authorized crematory operator; and
- (3) Capable of holding 6 human remains.

(j) Crematories approved after the effective date of this part shall have a refrigerated holding facility that shall be:

- (1) Marked "Private" or "Authorized Entry Only";
- (2) Locked when not actively attended by the authorized crematory operator;
- (3) Maintained at a temperature between 35 and 45 degrees Fahrenheit; and
- (4) Capable of holding 2 human remains.

(k) Any area accessible to the public shall be separated from the holding/refrigerated area.

FrI 801.13 Duties of Crematories.

(a) Crematories shall conform to the requirements set forth in FrI 800.

(b) Crematories shall comply with the policies and procedures described in FrI 801.12, (b).

(c) Cremation chambers and retorts shall only be used for the cremation of:

- (1) Human remains;
- (2) Human anatomical waste; or
- (3) Human pathological waste.

(d) Unless a request is made by an authorized individual to cremate more than one human remains at a time, such as that of a mother and child together, the crematory shall not cremate more than one human remains, per cremation chamber at a time.

(e) Crematories shall not cremate human remains within 48 hours of death, pursuant to RSA 325-A:18, unless a contagious disease caused death.

(f) Crematories shall maintain an accurate crematory book of records, pursuant to RSA 325-A:22, containing the following:

- (1) The name, age and gender of the decedent;
- (2) The last residential address of the decedent;
- (3) The date and place of death of the decedent;
- (4) The date the human remains arrived at the crematory;
- (5) The authorizing agent(s) name(s) and relationship(s) to the decedent;
- (6) The name of the medical examiner or deputy medical examiner issuing the certificate required for cremation in accordance with RSA 325-A:18;
- (7) The signatures of the licensed funeral director, next-of-kin, or designated agent;
- (8) The signature of the person supervising the cremation; and
- (9) The disposition of the cremains.

(g) For each cremation of human remains, crematories shall keep:

- (1) A copy of the medical examiner's certificate of cremation; and
- (2) A copy of the burial transit permit, annotated with the date it was filed with the town.

(h) Crematories shall provide board representatives and agents access to records in (f) and (g) above upon request.

(i) Crematories shall not advertise or otherwise represent themselves as performing services that they do not provide.

Frl 801.14 Reception of the Human Remains. Reception of the human remains by a crematory for incineration or cremation shall be subject to the following:

(a) A crematory shall not accept a body for cremation unless it is delivered by:

- (1) A funeral director;
- (2) The next-of-kin; or

(3) A designated agent;

(b) If known at the time of reception that the cause of death of a person was from a communicable disease, the crematory shall not receive the human remains unless:

(1) The human remains are embalmed or received in 2 leak proof pouches; and

(2) The cause of death is clearly marked on the outside of the leak proof pouches;

(c) All unembalmed human remains shall be placed in a single leak proof pouch and treated as necessary to prevent odor and leakage of body fluids, and placed in a suitable solid container;

(d) A receipt shall be delivered to the funeral director, next-of-kin or designated agent who delivers such human remains to the crematory;

(e) The crematory shall keep a copy of the receipt in (d) above, which shall include:

(1) The name of the decedent whose human remains were received;

(2) The date on which the human remains were received;

(3) The place where the human remains were received;

(4) The name and address of the funeral director, next-of-kin, or designated agent from whom the human remains were received;

(5) The name and address of the funeral home, if applicable;

(6) The name of the person in charge of the delivery; and

(7) The type of suitable solid container in which the human remains were received;

(f) The crematory shall receive the authorizing agent's written consent, as required by FrI 801.14, (a); and

(g) If the crematory is unable to cremate human remains, whether it be due to the 48 hour waiting period required by RSA 325-A:18 or for some other reason, the crematory shall:

(1) Immediately place the human remains in the holding facility required by FrI 801.12, (i); or

(2) If the human remains have not been embalmed and it has been 72 hours since death occurred, store the unembalmed remains in the refrigerated holding facility required by FrI 801.12, (j).

FrI 801.15 Cremation of Human Remains.

(a) Crematories shall not cremate human remains without receipt of the following documents pursuant to RSA 325-A:18:

(1) The burial permit; and

(2) The certificate from the medical examiner.

(b) Human remains shall be cremated in the suitable solid container in which received.

(c) Personal effects shall not be removed from the deceased without express consent from the authorizing agent(s), which shall be documented by the crematory.

(d) A crematory shall not place any additional material in a casket or suitable solid container prior to cremation unless authorized by the authorizing agent(s).

(e) A crematory shall not place medical waste, including, but not limited to, items such as hypodermic needles, syringes, scalpel blades, soiled dressings, sponges, drainage sets, underpads or surgical gloves in the casket or suitable solid container prior to cremation.

(f) Cremains from each cremation shall be removed from each chamber before any subsequent cremation is begun.

(g) The authorizing agent(s) may be present either in person or by his/her designee at any stage of the cremation of such human remains.

(h) In so far as practicable, all residual of the cremation process shall be removed from the cremation retort and shall not be commingled with any other cremains unless consent has been given by the authorizing agent(s).

Frl 801.16 Disposition of Cremains.

(a) Cremains shall be placed in a cremation container or urn, as defined in Frl 801.02, (e) and (s).

(b) Identification of cremains shall be noted on the container or urn with a label.

(c) The crematory shall:

(1) Give the cremains, in a cremains container or urn, to the funeral director, next-of-kin, designated agent or to the authorizing agent in charge of final disposition; or

(2) Otherwise dispose of the cremains as authorized by the funeral director, next-of-kin, designated agent or the authorizing agent.

(d) In the event the capacity of the urn or other cremains container is insufficient to accommodate all of the cremains, the crematory shall place the excess cremains in another cremains container and give both containers to the funeral director, next-of-kin, designated agent or to the authorizing agent in charge of final disposition.

(e) Crematories shall dispose of all body prosthesis or similar items, such as bridgework, not consumed by cremation, consistent with industry standard practices.